

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No. : 10/742,151 Confirmation No. 6014
Applicant : CROMER, *et al.*
Filed : 19 December 2003
TC/A.U. : 2151
Examiner : TANG, KAREN C.
Docket No. : RPS920030194US1

DECLARATION UNDER 37 C.F.R. § 1.131

Commissioner for Patents
Via EFS-WEB
Alexandria, VA 22313-1450

Sir:

I, Daryl C. Cromer, a citizen of the United States of America, hereby declare and state as follows:

1. I was employed by International Business Machines Corporation (IBM) of Armonk, New York at the time the above-identified application was conceived. I make this declaration in support the above-identified application.

2. IBM had invested substantial time and effort into the research, development, and marketing of their products, and in an effort to protect its rights in all new inventions, IBM requests that all employees prepare and submit confidential Invention Disclosure Forms upon conception by the inventor(s).

3. As a named co-inventor for this invention, I submitted the attached Invention Disclosure No. RPS8-2003-0156 together with my co-inventors, Howard J. Locker and Randall S. Springfield.

4. IBM Confidential Invention Disclosure RPS8-2003-0156 represents a fully conceived and workable invention as written. I, together with my co-inventors Messrs. Locker and Springfield, reviewed the claims of the above-mentioned patent application prior to submission of the application to assure the claimed invention was fully supported by the disclosure in light of the invention disclosure and art known at the time of the disclosure. The disclosure was formalized and recorded within IBM's electronic computing systems on February 9, 2003 at 09:47:43 AM EDT as shown by the attached disclosure statement.

5. Upon submission to IBM's electronic computing system and to the best of the inventors' knowledge and understanding, the RPS8-2003-0156 Disclosure was handled according to IBM standards, where a patent review committee meets periodically and determines which of the submitted disclosures should be pursued. The RPS8-2003-0156 Disclosure was assigned to the Mobile technology functional area. A review committee reviewed the RPS8-2003-0156 Disclosure and Main Idea for Disclosure RPS8-2003-0156, money was allocated for the preparation of RPS8-2003-0156, at which point an IBM patent docket number was assigned of RPS920030194US1. This process followed the normal standards for patents of IBM and activities conducted as part of this process occurred between February 9, 2003 and March 19, 2003 at 04:52:53 PM EDT.

6. I and my co-inventors Messrs. Locker and Springfield diligently worked with the original outside counsel prior to the filing date of December 19, 2003 during which time the outside counsel iteratively provided case drafts, which we critiqued until satisfied. To the best of our knowledge, each IBM outside counsel is assigned as a responsible attorney for a series of cases, which are queued and handled in order. To the best of our recollection, the response times from IBM outside counsel for RPS920030194US1 appeared to be standard times and no known exceptional delays occurred in the preparation of the instant application. Once a satisfactory application was constructed, it was filed in the U.S. Patent and Trademark Office on December 19, 2003.

7. I make this Declaration to establish that my co-inventors and I conceived of the present invention at least as early as February 9, 2003, and exercised due diligence from prior to February 9, 2003 through December 19, 2003, the filing date for the application as filed in the U.S. Patent and Trademark Office.

8. I further declare that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the above-identified patent application or any patent issuing thereon.

Declaration Under 37 C.F.R. §1.131
U.S. Patent Appln. No. 10/742,151
Docket No. RPS920030194US1

Daryl C. Cromer
Daryl C. Cromer
Dated: 7/16/09

The undersigned witnesses hereby acknowledge that DARYL C. CROMER, whose name is subscribed to the foregoing instrument, appeared before us this day in person and acknowledged that he signed, sealed and delivered the instrument as his free and voluntary act and deed for the uses and purposes therein set forth.

WITNESS 1:

Barbara Godbee
Signature
BARBARA GODBEE
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WITNESS 2:

David Berst
Signature
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Printed Name
Date: 7-16-09

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